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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,618	10/14/2003	Paul E. Westhoff	BMCA9159.235	2617

27062 7590 06/16/2004

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EXAMINER

BASINGER, SHERMAN D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/605,618

Applicant(s)

WESTHOFF ET AL.

Examiner

Sherman D. Basinger

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-17, 19-23 and 26-29 is/are rejected.
- 7) ☒ Claim(s) 13, 18, 24 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/14/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Oath/Declaration***

1. The declaration filed under 37 C.F.R. 1.63 in response to the notice of a missing or unsigned declaration has been received.

***Claim Rejections - 35 USC § 112***

2. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8, 26 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan 6-191486.

The steering nozzle is 2. The reverse gate is 3. In figure 5(b) the apex or the divider of the gate is shown as being offset from the center axis of the steering nozzle due to the nozzle being pivoted to starboard. Claim 29 is rejected as best understood.

5. Claims 8, 10-12, 21, 22 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Turnbull.

The steering nozzle having a center axis and pivotably attached to a watercraft is made up of deflectors 5 and 8. Attention is directed toward column 3, lines 42-51. The reverse gate is 11. The divider is 15a or 15b. The first and second curved sections are 16a and 17a or 16b and 17b. The dividers 15a and 15b are offset from the center axis of and between the deflectors 5 and 8.

The first curved section is either 16a or 16b and more of a discharge from the steering nozzle is directed onto the first curved section than onto the second curved section when the center axis of the steering nozzle is generally parallel to a center line of the watercraft due to its large opening and the location of the inlet for it.

The stator nozzle is 4. The bracket attaching the gate to the stator nozzle forward of the steering nozzle is shown in figure 3.

Claim 21 is met by what is shown in figure 7 of Turnbull. Claim 22 is met by movement of either deflector 5 or 8 from the position shown in figure 2g to that shown in figure 2h or 2i.

Claim 29 is rejected as best understood.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6, 9, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turnbull in view of Aylor.

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In Turnbull the first scoop is 16a and the second scoop is 17a. The inlet of the first and second scoops do not intersect to form an apex although they are divided by wall 15a. Note the apex at the forward end of wall 79 of Aylor. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide wall 15a of Turnbull with an apex similar to that of wall 79 of Aylor at the inlet of scoops 16a and 17a. Motivation to do so is to decrease turbulence at the inlets of scoops 16a and 17a when the flow from the nozzle 4 strikes wall 15a.

The stationary nozzle is 4 of Turnbull and the brackets attaching the scoops are shown in figures 3 and 4 of Turnbull as are the pivot pins and holes for the pivot pins.

The third scoop of claim 4 is 16b of Turnbull.

Scoop 16a of Turnbull is larger than scoop 17a of Turnbull.

With regard to claim 9, the first curved section 16a is longer than the second curved section 17a and the divider 15a is modified to have an apex at the inlet of sections 16a and 17a in view of the apex of 79 of Aylor.

The nozzle of claim 26 is made up of deflectors 5 and 8. The first scoop is 16a, the second scoop is 17a, and the apex is provided to wall 15a at the inlet of 16a and 17a in view of the apex of wall 79 of Aylor.

The apex provided to wall 15a at the inlet of 16a and 17a is offset from the center axis of both the steering nozzle and the center axis of gate 11.

8. Claims 14, 23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turnbull as applied to claim 8 above, and further in view of EPA 0 201 657. The

watercraft of Turnbull does not have two sources of propulsion. Note that the watercraft of EPA 657 has two sources of propulsion. In view of what is taught by EPA 657 it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide two jet propulsion apparatus similar to those of Turnbull to the boat of Turnbull. Motivation is to provide more power to the boat. In providing two gates to the watercraft of Turnbull, one gate would be a mirror image of the other as the gates are symmetrical.

9. Claims 7, 15-17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turnbull and Aylor as applied to claim 1 above, and further in view of EPA 0 201 657.

Turnbull does not disclose two propulsion sources each with its own gate or first and second jet propulsion outlets. However, note the first and second jet propulsion outlets of EPA 0 201 657. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide first and second jet propulsion outlets to the boat of Turnbull using a jet propulsion apparatus similar to that of Turnbull on each in view of what is taught by EPA 0 201 657. Motivation to do so is to provide for more power to the boat for obtaining a higher speed. Each would have its own gate and the gates because they are symmetrical would be mirror images of each other. Each gate as it is pivoted vertically into position has a variable vertical position relative to the steering nozzle.

***Allowable Subject Matter***

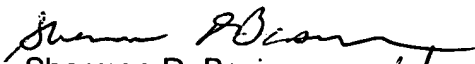
10. Claims 13, 18, 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sherman D. Basinger  
Primary Examiner  
Art Unit 3617  
6/09/04

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